

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

UNITED STATES DISTRICT COURT

for the

District of Utah



Central Division

Case: 2:23-cv-00829

Assigned To : Oberg, Daphne A.

Assign. Date : 11/13/2023

Description: McGregor v.
Intermountain Health

Nathanael D. McGregor

Case No.

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Jury Trial: (check one) ☐ Yes ☐ No

Intermountain Healthcare

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

FILED US District Court-UT
NOV 13 '23 PM01:06

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Nathanael D. McGregor
Street Address	1889 W. 3900 S. Apt # J203
City and County	West Valley City, Salt Lake County
State and Zip Code	Utah 84119
Telephone Number	801-648-1272
E-mail Address	ndmcgregor1986@yahoo.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

Defendant No. 1

Name	Intermountain Health
Job or Title <i>(if known)</i>	Courier Customer Service Rep 2
Street Address	3930 Parkway Blvd
City and County	West Valley City, Salt Lake County
State and Zip Code	Utah 84120
Telephone Number	801-902-8000
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	Kem C. Gardner Supply Chain Organization
Street Address	7302 Bingham Junction Blvd.
City and County	Midvale City, Salt Lake County
State and Zip Code	Utah, 84047
Telephone Number	801-442-3300

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

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Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

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Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

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Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

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Other federal law *(specify the federal law)*:

☐

Relevant state law *(specify, if known)*:

☐

Relevant city or county law *(specify, if known)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

☐

Failure to hire me.

☒

Termination of my employment.

☐

Failure to promote me.

☒

Failure to accommodate my disability.

☐

Unequal terms and conditions of my employment.

☐

Retaliation.

☐

Other acts *(specify)*: _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)
April 2022 - October 2022

C. I believe that defendant(s) *(check one)*:

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is/are still committing these acts against me.

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is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

☐

race _____

☐

color _____

☐

gender/sex _____

☐

religion _____

☐

national origin _____

☐

age (year of birth) _____

(only when asserting a claim of age discrimination.)

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disability or perceived disability *(specify disability)*

Autism _____

E. The facts of my case are as follows. Attach additional pages if needed.

Nathanael D. McGregor

November 9, 2023

**Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination
Supplemental Pages**

Page 4 – E. The facts of my case are as follows. Attach additional pages if needed.

The background of my case is as follows: I was hired by Intermountain Healthcare in July of 2018. For over a year, I have been seeing Dr. Sam Goldstein. He has helped me to understand my history of social and detail-oriented issues in the workforce and why this has been ongoing for most of my life. These new insights became invaluable as I noticed that it was starting to affect my employment with Intermountain Healthcare. I was placed on a corrective action plan and basically given so much time to improve.

It was in April of 2022 I was diagnosed with adult autism. Intermountain was given access to my medical records and access to my provider that diagnosed me. We attempted to reach an ADA accommodation, however, the only accommodation Intermountain was willing to offer involved a significant pay cut in a position that had proven problematic in the past. Despite my diagnosis and the fact that every complaint that Intermountain levied at me could be attributed to my disability, Intermountain continued to press corrective action until they terminated me October 3, 2022. Both Dr. Goldstein and I believe this was a wrongful termination because of Intermountain's unwillingness to fairly and reasonably accommodate me and my disability.

Consequently, I hired a local employment law firm, Stavros Law, to challenge the legitimacy of the termination. The case was assigned to attorney Andrew Fox. We involved the Utah Anti-Labor Discrimination Commission to investigate Intermountain's conduct. According to the UALD's own statistics they side with the employer nearly 98% of the time. So, it was with my case. Following their decision, Mr. Fox withdrew our complaint and applied for a "right to sue". During the course of this action, however, Mr. Fox became separated from Stavros Law and as the 90 days to respond "right to sue" became approved, he expressed to me that he felt he no longer had the resources to continue representing me.

I have been searching for an employment and or discrimination attorney willing and able to litigate this case with Intermountain since the issuing of the right to sue letter. My right to sue expires on Nov 13th. I contacted the Utah Bar Association, The Disability Law Center, I even joined Legal Shield in hopes of finding an attorney. I put in the mail request letters to 19 different attorneys. I emailed and telephoned various others.

Each law firm I contacted has either not replied or stated that they cannot accept the case due to their existing case load, or they provide legal representation for Intermountain. I've come to the conclusion that I have no alternative but to draft and file the complaint myself, if I am to have the opportunity to seek legal justice for my case. As I'm sure you can imagine, this has proven an arduous task.

Nathanael D. McGregor

November 9, 2023

**Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination
Supplemental Pages**

Page 5 – V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

At this point, I am only filing this Pro-Se as I have been completely unable to find an attorney to represent me in these proceedings and my EEOC right to sue letter expires November 13.

The actions of Intermountain health have been painfully detrimental to my mental health causing severe depression, their actions have been financially damaging for me and my family. Because I am currently working at a significantly lower wage than what I had at Intermountain, I am unable to pay bills, I cannot afford to properly take care of my car, I am struggling to maintain my apartment rent and utilities, I cannot afford health insurance, and consequently am unable to properly care for certain health conditions I have such as Sleep Apnea and Diabetes. I am on the verge of having to file for bankruptcy, which I would prefer to not do. I therefore beg the court to appoint an attorney to help me obtain justice for the financial damages I deserve, and the pain I have and continue to suffer. I believe an attorney could help me determine the fair and reasonable amount I should be suing Intermountain for.

PLEASE SEE ADDED SUPPLEMENTAL PAGES

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*
November 1, 2022

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- B. The Equal Employment Opportunity Commission *(check one)*:

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has not issued a Notice of Right to Sue letter.

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issued a Notice of Right to Sue letter, which I received on *(date)* 08/15/2023

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☐

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

PLEASE SEE ADDED SUPPLEMENTAL PAGES

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 11/09/2023

Signature of Plaintiff

Printed Name of Plaintiff


Nathanael D. McGregor

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address